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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,090	02/15/2002	William E. Morgan	B01-11	3511

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EXAMINER

GORDON, RAEANN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/077,090	<b>Applicant(s)</b> MORGAN ET AL.	
	<b>Examiner</b> Raeann Gorden	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-39 is/are pending in the application.
- 4a) Of the above claim(s) 9,11,12,14-16,18,24-27 and 30-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8,10,13,17,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,19-21,28,29 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Young (2,002,726). Regarding claim 1, Young discloses a golf ball comprising a spherical outer surface a plurality of dimples (fig 1). The dimples include a perimeter with at least one linear edge and spherical depression (figs 1-2). Regarding claims 2 and 3, the perimeter is a square. Regarding claim 4, the depressions have a spherical bottom (fig 2). Regarding claim 5, the curved enclosure is with the polygon perimeter (fig 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 19-21, 28, 29, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura et al (4,869,512) in view of Young (2,002,726). Regarding

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claim 1, Nomura discloses a golf ball comprising a spherical surface and a plurality of noncircular dimples. The dimples include a perimeter with at least one linear edge (fig 1). Nomura does not disclose the shape of the depression. However, Young teaches dimples with at least one linear edge and a spherical depression. One of ordinary skill in the art would have formed a spherical depression to enhance the flight characteristics. Regarding claim 19, Nomura discloses dimples with at least one curved edge on the perimeter (fig 1). Regarding claim 20, Nomura discloses dimples comprising two linear edges on the perimeter (fig 1). Regarding claim 21, Young teaches dimples with a spherical depression. Regarding claim 28, Nomura further discloses a second set of circular dimples (fig 12). Regarding claim 29, the noncircular dimples (first set) are arranged in a predetermined pattern on the surface of the golf ball (fig 12). Regarding claim 34, the predetermined pattern includes dimples along the equator (fig 12). Regarding claim 35, the equator is the parting line of the golf ball. Regarding claim 36, the predetermined pattern includes dimples along a line orthogonal to the equator (fig 12). Regarding claim 37, the predetermined pattern includes dimples along a line diagonal to the equator and the line orthogonal to the (fig 12). Regarding claims 38 and 39, the pattern includes longitudinal and latitude lines. One of ordinary skill in the art would have modified Nomura in view of Young by forming a spherical depression to enhance the flight characteristics.

***Allowable Subject Matter***

Claims 6-8, 10, 13, 17, 22 and 23 are allowed.

***Response to Arguments***

Applicant's arguments filed 3-17-04 have been fully considered but they are not persuasive. Applicant argues the Young reference does not disclose the spherical depression. Applicant further states the dimple of Young includes four sloped walls while the present invention is spherical. However, applicant claims a "substantially spherical" depression, which is not defined in the specification as being a sphere with constant radius. As shown in the figures of Young the combination of the four sides makes a depression that is "substantially spherical" as claimed by applicant.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vodovich, can be reached on 703-308-1315. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature in black ink, appearing to read 'Raeann Gorden', with a stylized flourish extending to the right.

Raeann Gorden  
Primary Examiner  
Art Unit 3711

Rg  
June 2, 2004